

PLEA MINUTE SHEET
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO (AT ALBUQUERQUE)

CR 05-1849 JH**UNITED STATES vs. SWENTNICKAS**

Before The Honorable Lorenzo F. Garcia, Chief United States Magistrate Judge

Hearing Date:	September 14, 2009	Time In and Out:	11:00 am - 11:18 am	
Clerk:	Kim	FTR Information:	FTR-Pecos	
Defendant:	Benjamin Swentnickas	Defendant's Counsel:	Charles Fisher & Gregory D'Antonio	
AUSA:	Stephen Kotz	Interpreter:		Sworn

X	Defendant Sworn		First Appearance
X	Consent to proceed before a magistrate judge and original plea agreement reviewed and executed by Deft.		
X	Deft acknowledges receipt of: (Indictment or Information)		
X	If Deft proceeding by way of information, Deft acknowledges right to an indictment and waives that right.		
X	Terms and conditions of proposed plea agreement explained.		
X	Factual predicate to sustain the plea provided.		
X	Deft questioned re Deft's age, education, physical/mental condition, and whether under the influence of alcohol, drugs, or any medication. Deft advised of charge(s), penalties and possible consequences of the plea.		
X	Deft advised of constitutional rights, loss of rights, and maximum possible penalties (including imprisonment, fine, supervised release, probation, SPA, restitution, and any forfeitures).		
X	Deft questioned re time to consult with attorney and if satisfied with his or her representation.		
X	Court finds Deft fully understands charge(s), terms of plea, and the consequences of entry into plea agreement.		
X	Deft pleads GUILTY to: Information		
X	Allocution by Deft on elements of charge(s).		
X	Court finds plea freely, voluntarily, and intelligently made; plea of guilty accepted.		
X	Deft adjudged guilty.		
X	Acceptance of plea agreement deferred until final disposition hearing by district judge.		
X	Sentencing Date: to be notified		
	Defendant to Remain in Custody		
X	Present conditions of release continued		Conditions changed to:
	Penalty for failure to appear explained		
X	Presentence Report Ordered		Expedited (Type III)
X	Other Matters: cc: Probation		
X			